

## REMARKS

Reconsideration of the present application in view of the above amendments in the following remarks respectively requested.

### I. STATUS OF THE CLAIMS

Claims 54 -- 90 are now pending in the present application. Claims 1 -- 53 have been canceled and new claims 69 --90 have been added. Claims 54, 56 and 68 have been amended.

Support for the amendments and for the new claims to be found throughout the present specification and more specifically as follows.

Support for the amendments to claims 54 and 56 is throughout the present specification, including the claims as originally filed, including particularly page four, line 16 --21 wherein the undesirability of brominated compounds is noted.

Support for the new claims:

Claim 69 on page 4, lines 25 -- 30;

Claim 70 on page 6, lines 21 -- 24;

Claim 71 -- 75 on page 6, lines 21 -- 24;

Claim 76 -- 77 on page 8, lines 4 -- 10;

Claim 78 -- 80 on page 8, lines 11 -- 16;

Claim 81 on page 11, lines 20 -- 24;

Claim 82 -- 85 on page 9, lines 1 -- 5;

Claim 86 on page 16, lines 14 -- 17;

Claim 87 -- 89 on page 16, lines 5 -- 10.

Claim 90 throughout the specification and claims as originally filed.

### II. THE OUTSTANDING OFFICE ACTION

#### A. OATH/DECLARATION

In the outstanding office action the Examiner has noted a discrepancy in the oath

regarding the filing date of the provisional application. The undersigned attorney for applicant acknowledges the error contained in the declaration regarding the dates of the provisional application and will submit a new declaration as soon as it is received from the inventors.

### **B. THE REJECTION UNDER 35 USC 102 IS NOW MOOT**

In the outstanding office action the Examiner has rejected previously pending claims 54 --68 as being anticipated by US Patent 6,300,378 -- Tapscott. Although applicant does not necessarily concede or admit to any of the positions taken by the Examiner with respect to his characterization of this patent, and hereby specifically reserves the right to contest any such characterizations later in the prosecution of this application or in a continuation application, it is believed that the amendments to the present claims by which the potential presence of bromine in the compound of Formula 1 has been limited clearly forms a patentable distinction over this patent. As pointed out in the background section of the present application, the use of brominated compounds is undesirable in certain cases, and the preferred compounds of Formula 1 described in the present application are all bromine free. Accordingly, the invention as now claimed distinguished over the compounds of Tapscott, which all are highly brominated compounds.

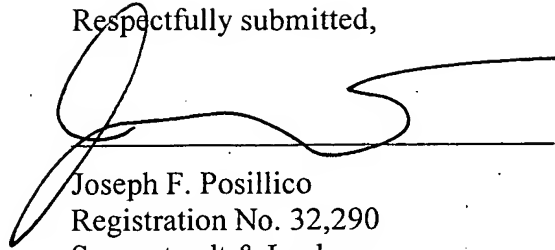
### **III. CONCLUSION**

Applicant believes that the claims as now pending patently distinguished over the prior art, and an early notice thereof is hereby earnestly solicited. Should the Examiner have any questions regarding this response, he is invited to contact the undersigned at the

telephone number indicated below.

Date: 9/8/06

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Joseph F. Posillico', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

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